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Committee on the Rights of the Child
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Summary record of the 2263rd meeting
Held at the Palais Wilson, Geneva, on Monday, 22 January 2018, at 10 a.m.

Chair: Ms. Winter

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Combined fifth and sixth periodic reports of Spain

* No summary record was prepared for the 2262nd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Spain (CRC/C/ESP/5-6; CRC/C/ESP/Q/5-6 and CRC/C/ESP/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Spain took places at the Committee table.*

2. **Mr. Garcés Sanagustín** (Spain) said that there were 8,354,279 children and adolescents in Spain. They accounted for almost 18 per cent of the population, or almost 0.5 per cent more than in the previous decade. Both current and future generations stood to benefit from well-targeted policies on their behalf.

3. The major cultural and regulatory reforms introduced following his country's ratification of the Convention in 1990 had begun in 1996, with the amendment of the Organic Act on protection of minors, and had culminated in 2015 with the adoption of two laws amending 20 legal texts on the protection of children and adolescents. Spain had become the first country to incorporate the best interests of the child into its legislation as a substantive right, an interpretative principle and a rule of procedure. Political parties, civil society, representative bodies and social workers shared the aim of incorporating children as a common denominator in the country's policies.

4. The final report assessing the Second National Strategic Plan for Children and Adolescents (2013–2016) had been adopted in July 2017 and was available on the website of the Ministry of Health, Social Services and Equality. Work had begun on the Third National Strategic Plan (2018–2022), in which the Committee's recommendations would be taken into account.

5. Civil society played a vital role in promoting support for children's rights in coordination with public-sector institutions at various levels of government. The legislation of the State and the autonomous communities was being amended to ensure that children and adolescents were given the opportunity to express their views on matters affecting them. In September 2016 a Committee on the Rights of Children and Adolescents had been established in the Congress of Deputies.

6. The two laws adopted in 2015 were designed to provide minors with legal protection in line with the Convention on the Rights of the Child. They also reflected a greater recognition of the role that minors played in society and of the need to facilitate their exercise of that role. All new laws provided for an analysis of their impact on children and adolescents. The Spanish legal order thus increasingly reflected the perception of children and adolescents as participatory and creative actors who were capable of effecting change in their personal and social environment in order to meet their own needs and those of other members of society.

7. The right to education was universally guaranteed at all levels of the education system. At the primary education level, Spain ranked second among Organization for Economic Cooperation and Development (OECD) countries in terms of reading comprehension. At the secondary level, it had recorded improvements in the key areas of science, reading and mathematics. Furthermore, the school dropout rate had been reduced by half in the last 10 years.

8. The Strategic Plan for Harmony in Schools 2016–2020 was being implemented with a view to addressing the problem of school bullying and promoting peaceful coexistence in educational institutions. The telephone helpline launched under the Plan had received almost 30,000 calls.

9. In line with the European Strategy for a Better Internet for Children, Spain had established a Safer Internet Centre for children in February 2017 to promote the safe and responsible use of the Internet.

10. The mortality rate for infants under 1 year of age was 2.68 per 1,000 live births, and life expectancy at birth was currently 83.11 years. All children and adolescents benefited

from universal health care, and the national health system had adopted a health promotion and prevention strategy in December 2013.

11. An assessment of the 2009–2016 National Drug Strategy had revealed an increase in the age at which drug use started and a reduction in the consumption of tobacco and illegal drugs. The Congress of Deputies, the Senate and the autonomous communities were currently drafting a law aimed at preventing the consumption of alcohol by children and adolescents.

12. Action was being taken to raise awareness of the seriousness of the problem of childhood obesity, and public and private initiatives were being launched to promote healthier eating habits and physical fitness.

13. Spain was an open society with different types of families. Work-life balance was a key objective and article 154 of the Civil Code, as amended, promoted shared responsibility. In the context of the 2015 fiscal reform initiative, families with children benefited from annual tax savings totalling almost €1.5 billion. Special protection measures, including unemployment benefits, were provided for the most vulnerable families. In the area of housing, since 2013 more than 43,000 families had benefited from mortgage debt restructuring and 9,020 families had been given access to the Social Housing Fund.

14. The Central Register of Sex Offenders had been established to prevent offenders from having contact with children or adolescents. Victim assistance offices had been established, and the Asset Recovery and Management Office provided special services for child and adolescent victims.

15. On 27 December 2017 the Congress of Deputies and the Senate had adopted the State Pact against Gender-based Violence. The measures designed to protect children and adolescents included child custody reforms and promotion of relevant activities in the education system. As child sex trafficking was a key cross-border challenge in the modern world, Spain had adopted a comprehensive plan to counter child trafficking and had allocated almost €100 million for the purpose.

16. With regard to children's participation, the Child-Friendly Cities programme was intended to improve the living conditions and enhance the participation of children and adolescents through the development of effective municipal policies for protecting and promoting children's rights. The network currently comprised 170 municipalities throughout the country. In addition, more than 3,000 children in different parts of Spain had been involved in producing the report currently before the Committee (CRC/C/ESP/5-6).

17. Eight of the 17 Sustainable Development Goals explicitly mentioned policies on behalf of children and adolescents. The Spanish Government was determined to do its utmost to support children in the areas of poverty reduction, food, health, education, equality, sustainable cities and promotion of peace.

18. **Ms. Khazova** (Coordinator, Country Task Force), referring to the State party's description, in its report, of the action it had taken to fulfil its core responsibility of disseminating the Convention, said that the Committee had been informed that there continued to be limited awareness of the existence of the Convention and of how it was to be implemented, both among children and adolescents and among those working with them. For instance, in many schools the curriculum did not include a mandatory course on children's rights. She asked whether any improvements were envisaged and whether provision was made for regular and up-to-date training.

19. While she welcomed the measures taken to prevent and combat discrimination against children, discrimination regrettably persisted, for instance against Roma children, children with disabilities and children in the context of migration. The case of Roma children was particularly sensitive, in part because the Roma community frequently resisted inclusion. She asked whether the State party saw the need for more determined action and whether the 2012–2020 national strategy for the social inclusion of the Roma population included initiatives to work with the Roma community and Roma mediators. According to the report, settlements of Roma families from Eastern Europe in some Spanish cities were a source of special concern. She asked whether the authorities had found a way of tackling the problem and preventing violations of children's rights.

20. Welcoming the inclusion of the best interests of the child in the 2015 legislation on the protection of children and adolescents, she asked whether criteria for determining the child's best interests existed in the State party. She also wished to know whether the best interests of the child were consistently invoked in the decisions of courts and child protection bodies, and whether the same criteria were used by judges in the autonomous communities. Were judges, prosecutors, lawyers and all other persons involved in decision-making in the State party trained in how to assess the best interests of the child?

21. The Committee had the impression that children's views were rarely heard or taken into account in the decision-making process. She asked why legislative advances in that regard were not being implemented. She wished to know whether the threshold of 12 years as the minimum age at which children could express their views in court had been abolished, and whether the Civil Code and the Code of Civil Procedure had been amended to remove obstacles to minors' expression of their views in family disputes. What legislative and practical measures had been taken to change the existing mindset and promote the adoption of a holistic approach so as to support children's right to participate?

22. **Mr. Kotrane** (Country Task Force) said that he welcomed the State party's ratification of the Optional Protocol to the Convention on a communications procedure, as well as the adoption of Organic Act No. 8 and Organic Act No. 26 of 2015 introducing changes in the system for the protection of children and adolescents.

23. The Human Rights Committee expressed regret, in its concluding observations on the sixth periodic report of Spain (CCPR/C/ESP/CO/6), that despite the provisions of article 10 of the Spanish Constitution, the International Covenant on Civil and Political Rights was not directly applicable in the domestic legal system. He asked what steps had been taken to ensure that the Convention was directly applicable and that the domestic legal system was fully compatible with the State party's obligations under the Convention.

24. Noting that 75.4 per cent of the measures set out in the Second National Strategic Plan for Children and Adolescents had been implemented, he enquired about measures and programmes aimed at the continued implementation throughout the country, including in the autonomous communities, of a comprehensive policy comprising all areas covered by the Convention. Furthermore, noting the role played by the Interregional Commission on Children and the Family in promoting coordination of the implementation of sectoral policies, he enquired about measures aimed at boosting coordination within the central administration and between the autonomous communities.

25. With regard to the allocation of resources, the Committee had the impression that children were not given priority in the State party's policies and programmes. It was concerned about the lack of progress in producing a coherent budgetary analysis to identify, monitor and mobilize resources to promote children's rights. According to the replies to the list of issues (CRC/C/ESP/Q/5-6/Add.1), the budgets of the various public administrations did not identify the specific amounts spent on children. While Organic Act No. 26/2015 required the economic impact of legislation to be measured and assessed, the Committee noted with concern that Royal Decree No. 931/2017 of 27 October 2017 failed to require draft budgets to include an analysis of the impact on children. He asked what measures were being taken to promote a comprehensive assessment of budgetary requirements for children in all autonomous communities, to guarantee transparency in the use of such resources, and to promote public dialogue, especially with children, and the accountability of regional and local authorities.

26. **Mr. Madi** (Country Task Force) said it was his understanding that the offices of the Ombudsman for Children in the Community of Madrid had been closed in order to optimize public resources at a time of financial crisis, but that offices of the Ombudsman for Children were still operating in other autonomous communities. He encouraged the State party to reopen the offices in Madrid.

27. A National Plan on Business and Human Rights had been submitted to the Council of Ministers in June 2014, but it was unclear whether the Plan had been approved. He enquired about its current status and about measures to ensure that the business sector protected children's rights domestically and internationally, in line with the Sustainable Development Goals.

28. Noting that thousands of children attended bullfighting training schools, he asked what the minimum age for enrolment was and, given the physical and psychological impact of bullfighting, what steps had been taken to ensure that persons under the age of 18 were not allowed to participate in or attend such events.

29. While the State party was to be commended for having raised the minimum age for marriage under exceptional circumstances from 14 years to 16 years, he asked whether it had considered removing the exception entirely.

30. **Mr. Pedernera Reyna** (Country Task Force) said that he wished to know what steps had been taken to combat the sale of children born to surrogate parents in third countries, what the legal status of such children was and whether they had access to information about their biological parents.

31. Regarding measures to enable children to exercise their right to participate, he asked how the structures to facilitate participation were managed, in particular in schools; how many participation councils had been established, how many children belonged to them and what budgets had been allocated to them; whether Act No. 8/2013 would be amended in order to ensure that the decisions reached by children on school councils were binding; and how the State party ensured that local authorities took children's opinions into account. It would also be interesting to know what was being done to ensure the participation of vulnerable groups, in particular migrant and Roma children and children with disabilities. Furthermore, he asked whether the justice and banking systems took children's views into account in relation to eviction processes.

32. While welcoming the progress made in the area of information and communication technologies, he nonetheless wished to know whether any measures had been adopted to regulate children's access to social media and the Internet; encourage the development of high-quality, varied digital content for children and families; and update school curricula and train teachers to respond to the challenges posed by technology. He asked for information on the status of the State Council on Audiovisual Media and on whether it would be replaced or brought into operation as originally envisaged.

33. **Ms. Skelton** (Country Task Force) said that she wished to know whether the State party had any statistics on the impact of its efforts to discourage the use of corporal punishment and, if the desired results had not been achieved, whether any other initiatives were planned. She also asked what measures were applicable to individuals accused of using corporal punishment; whether all the programmes provided for under Act No. 26/2015 had been implemented; what progress had been made towards adopting the bill on violence against children and adolescents; and how the State party would ensure that, once adopted, that law would be applied fully in the autonomous regions. With regard to child abuse by family members, she asked whether risk factors had been assessed and what preventive measures had been adopted as a result.

34. She welcomed the creation of a sex offenders register and asked whether children and adolescents who committed sexual offences were automatically included in it. She also wished to know whether the State party had considered amending the law to provide an exception to the statute of limitations for sexual offences against children. Although various helplines existed for reporting offences, she wondered whether the State party had considered introducing a single, 24-hour helpline available in all autonomous communities.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

35. **Mr. Rey Varela** (Spain) said that the State and the autonomous communities shared responsibility for implementing policies on children's rights. They worked in coordination through the Territorial Council for Social Services and for the System of Empowerment and Care for Dependent Persons, the Interregional Commission on Children and the Family and the Children's Observatory. The governments of the autonomous communities also worked with local authorities to address cases specific to each community.

36. With regard to funding, Spain was experiencing a period of economic growth across all regions, as a result of which the budget for the development of public policy on children and the family had increased by 52 per cent since 2015, reaching a total of €133 million.

37. **Mr. Garcés Sanagustín** (Spain) said that, although the authority of the central Government with regard to social policy matters was limited, the policies that it adopted served as a model on which all other policies were designed.

38. **Mr. Kotrane** said that he would appreciate more information on the growth in budgetary allocations for the development of public policy on children and the family, given that the 1.6-per-cent increase cited in the written replies (CRC/C/ESP/Q/5-6/Add.1) appeared to contradict the figure provided orally by the delegation.

39. **Mr. Garcés Sanagustín** (Spain) said that the figure mentioned by the delegation represented the cumulative growth over the preceding three years, whereas the figure cited in the written replies represented the growth achieved across all levels of government since the preceding year. The lower growth achieved by some autonomous communities had affected the overall average.

40. **Ms. Gonzálvez Vicente** (Spain) said that courses on the application of the Convention and the Committee's general comments were held annually for lawyers, prosecutors and judges. In addition, the National Strategic Plan for Children and Adolescents included measures to ensure that children and adolescents were aware of their rights and could contribute to initiatives to enforce them.

41. With regard to discrimination against children, both the proportion of Roma children who were illiterate and the proportion who were neither in school nor in formal employment had decreased, while the proportion who had completed post-compulsory education had risen from 2.6 per cent to 7.7 per cent and the school attendance rate had risen to 89.2 per cent. Furthermore, no Roma children were intentionally segregated from other students.

42. With respect to judicial decisions, the best interests of the child had been expressly referred to in over 1,200 rulings, of which 213 also referred specifically to the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. The opinion of the child, regardless of age, was taken into account in court cases involving family disputes or international child abduction. The legal provision that referred to children aged 12 or over did not mean that the views of younger children were not considered; rather, it reflected a presumption that children aged 12 or over were mature enough to express their views directly in court. Allowances were made in cases of doubt, taking the child's age and circumstances into account. Suitable language was used and the child was briefed as to what to expect before testifying. Training was also provided to judges and prosecutors on how to uphold the right of the child to be heard. If a court denied a child that right, it was obligated to state its reasons. Such decisions could be appealed against before a higher court.

43. Since its establishment, the Interregional Commission on Children and the Family had worked with the autonomous communities to build consensus on issues such as the creation of an interregional support mechanism and the development of a bill on violence against children and adolescents.

44. **Ms. Khazova** said that she wished to know whether the age threshold for assessing a child's maturity posed an obstacle to ensuring that the child's right to be heard was respected in court. She asked whether the duties and obligations of the child as set out in Act No. 26/2015 were compliant with the rights of the child under the Convention and whether the opinion of children on those provisions had been sought.

45. **Ms. Gonzálvez Vicente** (Spain) said that the age threshold did not pose a problem because Act No. 1/1996, which took precedence over the Civil Code, provided that all children had the right to be heard regardless of age. In each case, the best interests of the child were assessed, taking the specific circumstances into account.

46. With regard to the exception to the minimum age for marriage, no calls for further changes had been made by Spanish society. The marriage of persons under the age of 18 was permitted only in the most exceptional circumstances.

47. The Government was working with all relevant ministries and organizations to review the bill on violence against children and adolescents. The negotiations were

expected to be concluded by September 2018. There continued to be significant political interest in ensuring that the bill was adopted.

48. **Mr. Cabello Sáenz de Santa María** (Spain) said that the rights enshrined in the Convention were included in both primary- and secondary-school curricula and teacher training programmes. Children were involved in decision-making through school councils established at the level of the State, the autonomous communities, cities and individual schools. Lastly, the National Institute of Educational Technology and Teacher Training provided all teachers with guidance on the development of shared digital educational resources and drew up digital curricula that were subject to strict quality standards.

49. **Ms. Miguel Pérez** (Spain) said that the school enrolment of Roma children between the ages of 6 and 12 had risen to almost 100 per cent and the proportion of Roma children enrolled at their age-appropriate grade level had also increased. In addition, periods of absence from primary school of more than three months were down by 3 per cent. The Ministry was working with the Roma Secretariat Foundation and the Roma Cultural Institute Foundation to promote Roma culture in schools.

50. The Ministry's toll-free hotline for victims of school bullying operated 24 hours a day, 365 days a year, and was staffed by counsellors and other trained professionals. It had received over 29,000 calls, of which over 200 had been referred to education inspectorates and around 150 to law enforcement. The Government had also published a study describing the types, frequency, victims and perpetrators of bullying.

51. **Mr. García Navarro** (Spain) said that the master plan for coexistence and improved safety in and around education centres had been implemented in part to address concerns relating to the age of first drug use. It also provided for the dissemination of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography; in that regard, steps had been taken to raise awareness among children, parents and teachers of the threats related to child prostitution and child pornography. In addition, a 2017 instruction issued by the State Secretariat for Security underlined the importance of protecting the rights enshrined in the Convention in all police activities.

52. Bullfighting was regulated in an overarching sense by the State but more specifically by the autonomous communities. In any case, the participation of children in bullfighting was prohibited and subject to penalties. Children in bullfighting schools were supervised.

53. **Mr. Madi** said he understood that children as young as 14 years old could participate in bullfighting. The State party should take measures to raise the age limit to 18 years. He also wished to know which specific law governed bullfighting.

54. **Mr. García Navarro** (Spain) said that the minimum age of 14 years applied only to activities within bullfighting schools. The law in question was Royal Decree No. 145/1996.

55. With regard to the participation of children in public life, Organic Law No. 4/2000 on the rights and freedoms of foreigners in Spain and their social integration referred specifically to the capacity of minors between the ages of 16 and 18 years to participate in repatriation proceedings.

56. The master plan for coexistence and improved safety in and around education centres aimed to enhance prevention of the risks posed to children by the Internet and new technologies. In that connection, the police had rolled out the "Cyber-Experts" training course to teach children about safe Internet use.

57. **Mr. León Cavero** (Spain) said that Act No. 25/2014 on treaties and other international agreements required all public bodies to meet their obligations under international treaties in force. In that connection, the Constitutional Court had handed down rulings expressly recognizing the best interests of the child as fundamental to the protection of human rights.

58. In 2012, the Government had amended mortgage legislation to protect borrowers and provide for the establishment of debt-restructuring measures. The law stipulated that repossessions should be subject to one month's notice, or two months' notice in certain cases. In response to three requests for interim measures, the European Court of Human Rights had called for an immediate halt to eviction procedures which it deemed to prejudice

children's rights. However, Spain had clearly demonstrated that evicted families' needs were systematically assessed, adequate alternative housing was provided and children's rights were protected.

59. **Ms. Khazova** asked whether the Committee could be absolutely certain that children would not end up on the streets when their families were evicted.

60. **Mr. León Cavero** (Spain) said that, in every case in which he had been involved as a representative of Spain before the European Court of Human Rights, the domestic courts had collaborated with the local authorities and immediate action had been taken to meet the needs of any children affected by evictions.

61. **Ms. Fuentetaja Cobas** (Spain) said that the registration of persons born to surrogate mothers abroad required a judicial ruling from the competent court to establish their family relationships. Parliamentary debate on the subject was ongoing.

62. Under article 132 of the Criminal Code, the statutory limitation period for offences against the sexual integrity or freedom of minors was calculated from the time when the minor reached the age of majority.

63. The Central Register of Sex Offenders contained information on both adult and juvenile offenders. Information on minors who were victims of crimes against sexual integrity or freedom pertained to their status as minors only, not to their identity.

64. **Ms. Khazova** said that, since the status of children born to surrogate mothers abroad was determined through court proceedings, she would like to know what the status of such children was while those proceedings were ongoing.

65. **Mr. León Cavero** (Spain) said that such children were registered in the Civil Registry and were afforded the same legal protection as all other children.

66. **Ms. Gonzálvez Vicente** (Spain) said that those children remained in the care of the persons who were registered as their parents unless there was any risk to their safety, in which case the relevant autonomous community took the necessary measures to protect them.

67. **Mr. Castellanos** (Spain) said that, according to a final assessment conducted in July 2017, the implementation of the Second National Strategic Plan for Children and Adolescents had been satisfactory. A third such plan, which would reflect the Committee's recommendations, was being developed with the help of the Children's Observatory. In late 2017, the Observatory had adopted a document establishing procedures for the care of minors who were victims of trafficking.

68. Although the State Council on Audiovisual Media had not been established in practice, its functions, including regulation, were carried out by the National Commission for Markets and Competition. The Safer Internet Centre, which had been in operation for one year thus far, provided guidelines for parental control of Internet access and ran a helpline and a complaints line.

69. Although the office of the Ombudsman for Children in the Community of Madrid had been closed, work continued on all pending cases, which had been taken over by the national Ombudsman.

70. The 116111 European Union children's helpline had been implemented nationwide since 2012 or 2013.

71. As part of the Child-Friendly Cities initiative launched by the Spanish Committee for the United Nations Children's Fund (UNICEF), 170 municipalities had established children's councils. In addition, 10 autonomous communities had established regional youth councils.

72. **Mr. Díez Mateo** (Spain) said that the budgets allocated for the protection of children and adolescents were the responsibility of the State administration, several ministries and the autonomous communities, which carefully monitored the use of such funds.

73. **Ms. Méndez Díaz** (Spain) said that in July 2017, the Council of Ministers had adopted the National Plan on Business and Human Rights, under which awareness-raising campaigns would be conducted on the protection of vulnerable members of society. Particular consideration would be given to general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights. The Government would also promote self-regulation initiatives such as the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

74. **Ms. Khazova** said that she would appreciate information on why so many children were in residential care. She wondered whether there were plans to invest in measures to prevent the removal of children from their families and in efforts to create decent conditions in care institutions. Were such initiatives financed by the State or by the autonomous communities? She wished to know what entities decided upon such removal and whether the process could be better coordinated among the different authorities involved. She would welcome clarification of a 2015 amendment to the Civil Code under which State guardianship of a minor terminated six months after he or she was discharged from a protection centre. She would be interested to hear about the adoption system, including details on the possibility of creating a single adoption registry and on the coordination of the relevant regional bodies.

75. She would like to know whether the reported shortage of paediatricians was the reason that children aged 15 years and over were treated by general practitioners, and whether general practitioners received training on the treatment of adolescents. She would welcome additional information on children's access to health services under various circumstances.

76. The Committee was concerned about the continued practice of non-consensual genital mutilation of intersex children and would like to know whether there were plans to put a stop to such procedures. The Committee would also appreciate information on child mental health services in the autonomous communities; plans to address the overdiagnosis of attention deficit hyperactivity disorder and the overprescription of drugs to children with behavioural problems; strategies for combating alcohol and drug consumption by children; activities carried out to combat childhood obesity; and measures to increase breastfeeding rates.

77. Lastly, she would like to know how the State party was dealing with the alarmingly high rate of child poverty in the country.

78. **Ms. Skelton** said that she wished to know whether any legislation or case law required courts to consider the best interests of the child when sentencing offenders who were primary caregivers to children. She would also appreciate statistics on the overrepresentation of Roma mothers and children in mother-and-baby prison units.

79. She requested more information about the education system, including details on disparities in access, particularly among marginalized communities; Spain's position on universal access to early childhood education; how the State party had managed to halve the school dropout rate; possible measures to solve the particular problems affecting Roma and migrant children; progress made in the eradication of gender stereotyping in curricula and textbooks; and access to safe and inclusive places for play and socialization.

80. She asked why judges who were trained in juvenile justice had recently been assigned to general courts. She would also like to know why the prohibition of incommunicado detention was applicable only to detainees under the age of 16 years, instead of 18 years, which was the age of majority. She would welcome an account of how child victims testified in court proceedings.

81. Finally, it would be helpful to learn which minority groups lived in Spain and how policies and services were developed to ensure the inclusion of minority children.

82. **Mr. Madi** said that although the Committee applauded the Government's efforts to accommodate many unaccompanied migrant and refugee children, it still had serious concerns about issues such as the large number of complaints filed against Spain under the Optional Protocol to the Convention on a communications procedure. Violence and lawlessness had increased in the border areas of Ceuta and Melilla, where refugees were

automatically sent back to Moroccan authorities without any legal guarantees, a practice that violated both the Convention on the Rights of the Child and the 1951 Convention relating to the Status of Refugees.

83. The Public Prosecutor's Office routinely conducted age assessments of migrant and refugee children, even in situations where documentary proof of age was available and despite numerous Supreme Court decisions confirming the irregularity of the practice. The children involved had no legal assistance and, in most cases, no opportunity to appeal. The resulting uncertainty of their legal status deprived them of access to education and health care.

84. The relevant authorities had taken no measures to address the dangerous conditions at reception centres, where overcrowding, violence and prostitution were serious problems. In addition, there was a troubling lack of effort to facilitate family reunification; a particular source of worry was the practice of separating migrant and refugee children from their families until kinship was proved by DNA testing.

85. The Committee maintained its earlier recommendations regarding the Optional Protocol to the Convention on the involvement of children in armed conflict. It also recommended the establishment of a mechanism for both the early identification of children who might have been involved in armed conflict abroad and the provision of assistance to those children. Finally, the Committee would appreciate information on how Spanish children who had joined Islamic State in Iraq and the Levant (ISIL) were treated by the authorities upon their return to Spain.

The meeting rose at 1 p.m.